Sectt. II-27—50,000—23-11-42.

Home (1943). Department.

(32)

Ys. SERIES.

G.O. No. 5579

Dated the 8th April 1943

[Despatch Abstract.]

Courts- Civil- South Kanara district- Sub-Judge's Court, Mangalore- appointment of additional Sub-Judge- Sanctioned

99982 E-2
24.9.42.

JOINT SECRETARY 22 SEP 1942 HOME DEPARTMENT

5/21.9.42

R.O.C.No.2569/42-D2.

From

S.P.Thompson Esquire, I.C.S.,
Registrar, High Court of Judicature, ~~Madras.~~

To

The Secretary to the Government of Madras,
Home Department (with enclosure).

Dated 19-9-1942.

ASSISTANT SECRETARY TO GOVERNMENT 23 SEP 1942 HOME DEPARTMENT

Sir,

Part II schemes for 1943-44-Courts -Civil - South Kanara District -Appointment of an Additional Subordinate Judge to the Sub Court, Mangalore - Recommended.

--

I am directed to forward extracts from letter Dis.No.4543 dated 25-8-42 from the District Judge, South Kanara, on the subject mentioned above and to state that, in the circumstances set out therein, the Honourable the Judges recommend the appointment of an Additional Subordinate Judge to the Sub Court at Mangalore with a staff of 3 clerks at Rs.30-55 each per month and 3 peons on Rs.12-17 each per month for a period of six months from the date of the re-opening of the Court after the summer recess in 1943.

2/ I am to request that necessary provision may be made in Part II of the Budget Estimates for 1943-44.

3/ Statements showing the institutions, disposals and arrears in the District Court and the Sub Court, Mangalore for the last

3 years and for the current year up to 15-7-42 are enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

Home (E) Dept

. 1999 Home of 11.4.39 + 2 other C.O.S were called for from the C.R.B, Nashik on 25.9.42. Their receipt may be awaited till 30.9.42

tv

28.9.42

28/9/42

Extracts from letter Dis.No.4543/28-8-42, dated 25th August 1942, from the District Judge, S.Kanara, to the Registrar, High Court of Judicature, Madras.

There were 672 Appeals in the District Court on 15th July 1942. Of these 445 were over six months old. The institution in 1942 is about 56 appeals a month. About 504 appeals may, at this rate, be instituted during the period from 15-7-42 up to the commencement of the Summer recess of 1943. There will be thus a total of 1176 appeals for disposal. On account of a heavy Sessions Case, the trial of which continued for about a month this year, only 31½ days were available up to 15-7-42 for civil work. There were Original Petitions and Miscellaneous Applications, too, for disposal. So, the number of appeals that could be disposed of up to 15-7-42 were 42. Another Sessions Case has since been posted for 14th September 1942 and its trial is expected to last about a month and a half. There are 11 other Sessions Cases remaining for disposal. A few more committals are expected in the course of the year. So, it looks as if very little time will be available for civil work during the coming months. In these circumstances, it may not be possible to effect any substantial reduction in the pendency of appeals. On the other hand, there is every likelihood of the arrears increasing. But every endeavour will be made to keep the arrears under control. In the Sub Court there were 228 appeals on 15-7-42. All these were over six months old. The Sub Judge is invested with the powers of an Assistant Sessions Judge. During the current year, he disposed of 12 Sessions Cases up to 15-7-42. He has still three more cases for disposal. In 1941, 21 Sessions Cases were disposed of. So, at least 5 more cases may be

4

-2-

be received for disposal. Out of 130 Original suits for disposal during the current year up to 15-7-42 the Sub Judge disposed of 41 leaving a balance of 89 suits against 93 on 31-12-41. There were 34 old suits on 15-7-42. 39 more would become old on the date of the closing of the courts for the summer recess in 1943. Disposals of Original Suits have to be kept pace with institutions and the pendency of old suits, too have to be kept under check. So, it may not be possible for the Sub Judge to dispose of more than 13 or 14 appeals a month. At this rate, the number of appeals that may be expected to be disposed of by him from 15-7-42 up to 15-4-43 may not exceed 120. 108 appeals may still remain in his court and these may require at least 8 months for disposal. In these circumstances, transfer of appeals to the Sub Court for disposal may not relieve the conjestion unless the appointment of an Additional Sub Judge is sanctioned for at least six months during the year 1943-44. I therefore recommend that provision may be made also for the appointment of an Additional Subordinate Judge at least for a period of six months in the year 1943-44.

STATEMENT showing the institutions, disposals and arrears in the District Court of South Kanara, for the years 1939, 1940, 1941 and 1942 up to 15-7-1942.

Year	Name of the presiding Officer.	Period presided over		Instituted.	Disposed of		Total.	Total still pending.	No. of old suits pending on 15-7-42	No. likely to become old at the closing of the Courts for Summer recess of 1943.	Remarks.
		From	To		After full trial	Uncontested.					
					Original Suits.						
1939.	Sri. P. Rajagopalachari	1.1.39	31.12.39	1	1	3	4	8			
1940	Do.	1.1.40.	19.2.40.	..	..	..	..	..			
"	Sri. R.S. Subrahmanya Ayyar.	20.2.40.	12.4.40.	..	..	..	..	..			
"	Sri. P. Rajagopalachari.	13.4.40.	10.6.40.	..	..	..	..	..			
"	Sri. T.S. Ramachandran.	20.6.40.	17.11.40.	..	4	..	4	..			
"	Sri. K.N. Gopalan.	18.11.40	31.12.40.	..	..	..	..	..			
	Total for the Court.	1.1.40.	31.12.40.	3.	4	..	4	8			
1941.	Sri. K.N. Gopalan.	1.1.41.	23.11.41.	..	5	1	6	..			
"	Sri. L.S. Parthasarathi Ayyar.	24.11.41.	31.12.41.	..	..	..	..	..			
	Total for the Court.	1.1.41.	31.12.41.	2	5	1	6	4			
1942	Sri L.S. Parthasarathi Ayyar.	1.1.42.	15.7.42.	1	..	3	3	3	2		
					Appeal Suits.						
1939.	Sri. P. Rajagopalachari.	1.1.39.	31.12.39.	467.	100	16.	116.	241			

Year.	Name of the presiding Officer.	Period presided over		Instituted.	Disposed of		Total.	Total still pending.	No. of old suits pending on 15-7-42	No. likely to become old at the closing of the Courts for Summer recess of 1943.	Remarks.
		From	To		After full trial	Uncontested					
1940.	Sri P. Rajagopalachari.	1.1.40.	19.2.40.	..	7	1	8	..	..	..	
"	Sri R.S. Subrahmanya Ayyar	20.2.40.	12.4.40	..	21	.	21	..	..	..	
"	Sri P. Rajagopalachari.	13.4.40.	10.6.40.	..	2	.	2	..	..	..	
"	Sri J.S. Ramachandran.	20.6.40.	17.11.40	..	206	27	233	..	..	..	
"	Sri K. N. Gopalan	18.11.40.	31.12.40.	..	14	2	16	..	..	..	
	Total for the Court.	1.1.40.	31.12.40	442	250	30	280	348	..	..	
1941.	Sri K. N. Gopalan.	1.1.41.	23.11.41.	..	192	31	223	..	..	..	
"	Sri L. S. Parthasarathi Ayyar.	24.11.41.	31.12.41.	.	13	4	17.	..	..	..	
	Total for the Court.	1.1.41	31.12.41.	423	205	35	240	461			
1942.	Sri L. S. Parthasarathi Ayyar.	1.1.42	15.7.42.	252	30	12	42.	672	445	672 (445+227)	
				Civil Miscellaneous Appeals.							
1939.	Sri. P. Rajagopalachari.	1.1.39.	31.12.39.	65	30	10	40.	69	..		
1940	Do.	1.1.40.	19.2.40.	..	2	3	5	..	..		
"	Sri R.S. Subrahmanya Ayyar	20.2.40.	12.4.40.	..	3	1.	4	..	..		
"	Sri P. Rajagopalachari.	13.4.40.	10.6.40.	..	..	..	..	..	..		

Year	Name of the presiding Officer	Period presided over From	To	Instituted.	Disposed of After full trial	Uncontested.	Total	Total still pending	No. of old suits pending on 15-7-42	How likely to become old at the closing of the Courts for Summer recess of 1943	Remarks
1940.	Sri. J.S. Ramachandran	20.6.40.	17.11.40	..	58	6	64	..	..	..	
	Sri. K.N. Gopalan.	18.11.40.	31.12.40.		1		1	..	..	..	
	Total for the Court.	1.1.40.	31.12.40.	49	64	10	74	24	..	..	
1941.	Sri K.N. Gopalan	1.1.41.	23.11.41	..	32	12.	44	..	..	..	
	Sri K.S. Parthasarathi Ayyar.	24.11.41.	31.12.41.	..	1	1	2	..	..	..	
	Total for the Court.	1.1.41.	31.12.41	52	33	13.	46.	30	..	..	
1942	Sri K.S. Parthasarathi Ayyar.	1.1.42.	15.7.42.	34	12.	3	15	49	38	49 (38+11).	
				Original Petitions.							
1939.	-	1.1.39.	31.12.39.	127.	29	96.	125	69.	..	..	
1940	-	1.1.40.	31.12.40.	127	34	121	155	41	..	..	
1941	-	1.1.41.	31.12.41.	138	24	108	132	47	..	..	
1942	-	1.1.42.	15.7.42.	68	12.	39.	51	59	32	59 (32+27).	
				Sessions Cases.							
1939	-	-	-	*39	42	..	42	4	..	..	
1940	-	-	-	*38	34	.	34	8	..	..	

Year.	Name of the presiding Officer.	Period provided over		Instituted.	Disposed of		Total.	Total still pending.	No. of old suits pending on 15-7-42	No. likely to become old at the closing of the Courts for Summer recess of 1943.	Remarks
		From	To		After full trial	Uncontested					
1941		-	-	* 40	35	..	35	9			* These are exclusive of cases transferred to the Assistant Sessions Judge.
1942. upto 15. 7. 42.		-	-	* 19	16	..	16	12			
				Criminal Appeals.							
1939.		-	-	47.	42	.	42.	8.			
1940		-	-	50	50	..	50	8.			
1941		-	-	48	45	..	45	11.			
1942. upto 15. 7. 42.		-	-	22	27	..	27.	6.			

District Court South Konara
Mergolone. 25th August 1942.

District Judge S.K.

Statement showing the institutions, disposals and arrears in the Subordinate Judge's Court, South Kanara, during the year 1939.

Name of presiding officers	Period presided over From	To
1. Sri D.S.Raja Rao, B.A., B.L., Principal Subordinate Judge	1-1-1939	31-12-1939
2. Sri T.Vasudeva Rao, B.A., B.L., Additional Subordinate Judge	12-6-1939	31-12-1939

	Instituted	Disposed of			Pending on 31-12-1939	
		After full trial	Uncontested	Total	Total	Old
ORIGINAL SUITS.						
Prl. Sub-Judge		60	35	95	67	32
Addl. Sub-Judge		31	16	47	73	36
Total	96	91	51	142	140	68
SMALL CAUSE SUITS.						
Prl. Sub-Judge		25	64	89	..	..
Addl. Sub-Judge		32	113	145	129	82
Total	215	57	177	234	129	82
APPEAL SUITS.						
Prl. Sub-Judge				158	317	21
Addl. Sub-Judge				106	345	48
Total				264	662	469
ORIGINAL PETITIONS CIVIL MIS. APPEALS. By Prl. Sub-Judge only				6	13	4
ORIGINAL PETITIONS.						
By Prl. Sub-Judge only	36	16	14	30	23	6
MIS. PETITIONS (including L.A.Cs.)						
Prl. Sub-Judge		353	1800	2153	299	133
Addl. Sub-Judge		169	704	873	147	74
Total	2764	522	2504	3026	446	207
EXECUTION PETITIONS.						
Prl.Sub-Judge		365	..	365	207	155
Addl. Sub-Judge		213	..	213	52	8
Total	526	578	..	578	259	163

INSOLVENCY PETITIONS.

Prl. Sub-Judge		7	7	14	..	..
Addl. Sub-Judge		18	8	26	18	7
Total	24	25	15	40	18	7

SESSIONS CASES.

Prl. Sub-Judge as Asst. Sessions Judge.	14	..	14	1	..	

District Court, South Kanara.)
)
Mangalore, 25th August 1942.)

DISTRICT JUDGE, S.K.

Statement showing the institutions, disposals and arrears in the Subordinate Judge's Court, South Kanara, during the year 1940.

Names of presiding officers	Period presided over From	To
PRINCIPAL SUBORDINATE JUDGES.		
1. Sri D.S.Raja Rao, B.A., B.L.,	1-1-1940 18-4-1940	3-3-1940 and 6-10-1940
2. Sri D.B.Krishnamurti Pantulu, M.A. B.L.,	9-3-1940	17-4-1940
3. Sri T.D.Ramaiya Pantulu, M.A., B.L.,	7-10-1940	31-12-1940
ADDITIONAL SUBORDINATE JUDGES.		
1. Sri T.D.Ramaiya Pantulu, M.A., B.L.,	7-3-1940	6-10-1940
2. Sri T.Vasudeva Rao, B.A., B.L.,	1-1-1940	6-3-1940

	Instituted	Disposed of			Pending on 31-12-40	
		After full trial	Uncontested	Total	Total	Old
ORIGINAL SUITS.						
By Prl. Sub-Judges						
1. Sri D.S.Rao		28	13	41		
2. Sri D.B.K.Murti		1	1	2		
3. Sri T.D.Ramaiya		21	11	32		
By Addl. Sub-Judges.						
1. Sri T.D.Ramaiya		37	10	47		
2. Sri T.V.Rao		5	3	8		
Total	87	92	38	130	111	44
SMALL CAUSE SUITS.						
By Addl.Sub-Judges only						
1. Sri T.D.Ramaiya		37	95	132		
2. Sri T.V.Rao		5	28	33		
3. Sri T.D.Ramaiya as Prl. Sub-Judge		15	44	59		
Total	178	57	167	224	85	47
APPEAL SUITS.	Received by transfer					
By Prl. Sub-Judges.						
1. Sri D.S.R.Rao				67		
2. Sri D.B.K.Murti				14		
3. Sri T.D.Ramaiya				59		
By Addl. Sub-Judges.						
1. Sri T.D.Ramaiya				96		
2. Sri T.V.Rao				27		
Total	662			263	458	456
CIVIL MISC.APPEALS						
Prl. Sub-Judges						
1. Sri D.S.R.Rao				13		
2. Sri D.B.K.Murti				2		
3. Sri T.D.Ramaiya				5		
By Addl. Sub-Judges.						
1. Sri T.D.Ramaiya				3		
2. Sri T.V.Rao				..		
Total	20			23	10	10

ORIGINAL PETITIONS.

By Prl. Sub-Judges.						
1. Sri D.S.R.Rao		6	2	8		
2. Sri D.B.K.Murti		1	..	1		
3. Sri T.D.Ramaiya		13	2	15		
By Addl. Sub-Judges						
1. Sri T.D.Ramaiya		11	3	14		
2. Sri T.V.Rao		-	-	-		
Total	38	31	7	38	24	15

APPEAL PETITIONS (including M.A.Cs).

By Prl. Sub-Judges						
1. Sri D.S.R.Rao		135	703	838		
2. Sri D.B.K.Murti		14	134	148		
3. Sri T.D.Ramaiya		98	696	794		
By Addl. Sub-Judges						
1. Sri T.D.Ramaiya		110	615	725		
2. Sri T.V.Rao		30	149	179		
Total	975	387	2297	2684	329	159

REVISION PETITIONS.

By Prl. Sub-Judges						
1. Sri D.S.R.Rao				132		
2. Sri D.B.K.Murti				36		
3. Sri T.D.Ramaiya				144		
By Addl. Sub-Judges						
1. Sri T.D.Ramaiya				122		
2. Sri T.V.Rao				39		
Total	505	..	..	493	277	177

INSOLVENCY PETITIONS.

By Prl. Sub-Judges.						
1. Sri D.S.R.Rao		..	..	..		
2. Sri D.B.K.Murti		..	..	..		
3. Sri T.D.Ramaiya		-	-	7		
By Addl. Sub-Judges						
1. Sri T.D.Ramaiya		..	..	15		
2. Sri T.V.Rao		..	..	5		
Total	20	..	..	27	16	4

MISCELLANEOUS CASES.

By Prl. Sub-Judge as Asst. Sess. Judges.						
1. D.S.R.Rao.		10	.	10		
2. Sri D.B.K.Murti		3	..	3		
Total		13	..	13		

District Court, South Kanara.
Mangalore, 25th August 1942.

DISTRICT JUDGE, S.K.

Statement showing the institutions, disposals and arrears in the Subordinate Judge's Court, South Kanara, during the year 1941.

Names of presiding officers	Period presided over From	To
Sri D.S.Raja Rao, L.A., B.L., Prl Sub-Judge from 1-1-41 to 9-4-41)) Subordinate Judge from 10-4-41 to 20-7-41)	1-1-1941	20-7-1941
Sri T.D.Ramaiya Pantulu, M.A., B.L., Addl. Sub-Judge from 1-1-41 to 9-4-41) Sole Sub-Judge from 21-7-41 to 31-12-41)	1-1-41 21-7-41	9-4-41 and 31-12-41

	Instituted	Disposed of			Pending on 31-12-41	
		After full trial	Uncontested	Total	Total	Old
ORIGINAL SUITS						
Sri D.S.R.Rao		16	10	26		
Sri T.D.Ramaiya		50	27	77		
Total	80	66	37	103	95	35
SMALL CAUSE SUITS.						
Sri D.S.R.Rao		..	12	12		
Sri T.D.Ramaiya		57	126	183		
Total	160	57	138	195	50	17
APPEAL SUITS.	Received by transfer					
Sri D.S.R.Rao				63		
Sri T.D.Ramaiya				181		
Total	106	..	..	244	184	282 ?
CIVIL MISC. APPEALS.						
Sri D.S.R.Rao		..	..	4		
Sri T.D.Ramaiya		..	..	6		
Total		..	..	10		
ORIGINAL EXECUTION PETITIONS.						
Sri D.S.R.Rao		..	..	..		
Sri T.D. Ramaiya		15	20	35		
Total	34	15	20	35	23	13

[illegible] (including L.A.Cs.)						
Sri D.S.R.Rao		86	620	706		
Sri T.D.Ramaiya		197	1472	1669		
Total	2377	283	2092	2375	325	149
[illegible]						
Sri D.S.R.Rao		..	..	163		
Sri T.D.Ramaiya		..	..	414		
Total	520	..	..	577	283	138
[illegible]						
Sri D.S.R.Rao		..	..	1		
Sri T.D.Ramaiya		..	..	21		
Total	18	..	..	22	13	6
[illegible]		Received by transfer				
Sri D.S.R.Rao				10		
Sri T.D.Ramaiya				9		
Total	22			21	1	..

District Court, South Kanara.
Mangalore, 25th August 1942.

DISTRICT JUDGE, S.K.

Statement showing the institutions, disposals and arrears in the Subordinate Judge's Court, South Kanara, during the period from 1-1-43 to 15-7-42.

Name of the presiding officer	Period presided over From	To
Sri T.D.Ramaiya Pantulu, M.A., B.L., Subordinate Judge.	1-1-1942	15-7-1942

Nature of Suit or Proceeding.	Instituted	Disposed of			Total pending		No. Likely to become old at the close of the court for summer recess of 1943 (15-4-43)
		After full trial	Uncontested	Total	Total	Old cases.	
O. S.	35	21	20	41	89	34	73
S.C.S.	90	12	51	63	77	42	77
A.S.	-	-	-	57	228	228	228
C.M.As.	..	-	-	-	-	-	-
O.Ps.	24	11	8	19	28	21	28
Mis.Pns. including L.A.Cs.	988	91	893	984	283	181	283
E.Ps.	232	..	..	211	251	186	251
I.P.s	6	5	4	9	9	8	9
Sessions Cases	..	..	..	12	3		

District Court, South Kanara.
Mangalore, 25th August 1942.

DISTRICT JUDGE, S.K.

R.O.C.No.2569/42 D2.

3953E
15:3:43.
328 17.

From

S.P.Thompson Esquire, I.C.S.,
Registrar, High Court, M a d r a s.

To

The Joint Secretary to Government,
Home Department, Stonehouse Hill, The Nilgiris.
Dated the 11th day of March 1 9 4 3.

Sir,

Sub:- Courts-Civil-South Kanara District-appointment of an additional Subordinate Judge to the Sub Court, Mangalore-Reference:-Correspondence ending with my letter R.O.C.No.2569 of 1942 D2 dated 19-9-1942-Note of Inspection by Wadsworth J.

ASSISTANT SECRETARY TO GOVERNMENT
13 MAR 1943
HOME DEPARTMENT

I am to invite your attention to my letter referred to above and to state that since that date, the District Court, Mangalore has been inspected by the Honourable Mr. Justice Wadsworth. His Lordship, found the appellate work in a chaotic condition. On the file of the District Judge, there are now 844 Civil Appeals of which well over 300 are more than a year old. The Sub Judge has on his file 178 pending appeals, of which

~~XX~~ 18

3 are of 1938,79 of 1939 and 84 of 1940. In addition, there are some 75 original suits pending.

The Honourable the Chief Justice considers it essential that an additional Subordinate Judge should be appointed immediately after the vacation and therefore requests that early orders may be passed on my previous letter referred to above. M

R e g i s t r a r.

CMK.

RMK

Home (E) dept.

. The proposal at 'M' below has already been accepted and the draft order has been approved. It will be issued after the budget estimates for 1943-44 are authorised by H.E. ~~No action is called for~~ i.e on or × confirm from him before 1-4-43. No reply deems therefore necessary

17.3.43 18-3-43

Inform HC as at A

CS 13/43 M

N 9998/E

Home dept. 19

Letter | Ref. No. 9998 E/42-5 dated 25:3:43

To

The Hon'ble the Chief Justice

High Court, Madras

—x—

Hon'ble Sir

Courts - civil - South Kanara Dt. Sub Judge's Court, MANGALORE - appointment of additional Sub-Judge

Ref: Correspondence ending with Mr. Thompson's letter. R.O.C. No. 2569/42-2 dated 11.3.43.

—x—

I am directed to say —

that the proposal of the Hon'ble

2) the Judges ~~in R.O.C. No. 2569/42 Dt~~ ~~dated 19.9.42~~ to appoint an additional Subordinate Judge to the Sub-Court at Mangalore with a staff of 3 clerks and 3 peons for a period of six months from the date of the re-opening of the court after its the Summer recess in 1943 has been accepted by the Government and ~~+~~ that orders will be issued as soon as the budget estimates for 1943-44 are authorized by H. E. the Governor.

23.3.43 23.3.43

24/3/43

p 1 C1

Home dept.

Courts - Civil - South Kanara dt - Sub Judge's court, Mangalore - appointment of additional sub judge - sanctioned.

C.No. 9998/E/42. From the High Court. R.O.C. No. 2569/42-D2 dated 19-9-42

G.O. Ms. NO. 5579 dated. 8.4.43

The Government sanction the appointment of an additional subordinate judge to the subordinate judge's court, Mangalore in the south Kanara district for a period of six months from the date ~~of re-opening of the court~~ on which the Court reopens after its summer recess in 1943.

2. The Government further direct that the establishment of the subordinate judge's court, Mangalore be strengthened by the addition of three clerks on Rs. 30-55 ~~each per mensem~~ and three peons on Rs. 12-17 each per mensem, so long as the number of officers presiding over the court remains at two.

3. The expenditure should be met from the appropriation under "27-e. Administration of Justice -B. Mufassal Civil and Sessions courts- Regular establishments - ~~voted or~~ authorized".

4. The following notification will be published in the Fort St. George Gazette:—

Notification.

Under section 4 of the Madras Civil Courts Act, 1873 (III of 1873) as amended by Act III of 1925, His Excellency the Governor of Madras, after consultation with the High Court, is hereby pleased to direct that the number of subordinate judges to be appointed to the subordinate judge's court, Mangadore, in the district of South Kanara shall be two with effect from the date on which the court reopens after its summer recess in 1943.

To
The Hon. the C.J.
The District Judge, South Kanara.
The A.G. thr. Fin. dept.
~~The Fin. dept.~~
The S.G.P. for publn of the notn in the Gazette.
~~The Fin. (Budget)~~

Home (E) Department.

Courts - Civil - South Kanara district - Appointment of an additional Sub-Judge to the Sub Court; Mangalore.

C.No.9998E/42 From the High Court R.O.C.No.2569/42-D2 dated 19.9.42.

In connection with ~~the~~ part II schemes for 1943-44, the Hon'ble the Judges recommend the appointment of an additional Sub Judge to the Sub Court at Mangalore, South Kanara district with the usual staff of 3 clerks and 3 peons, for a period of six months from the date of the re-opening of the court after the summer recess in 1943. The cost of the proposal works out to Rs. 3,396/-

2. There is a permanent Sub Court at Mangalore. In 1939, the Government sanctioned an additional Sub Judge to ~~the~~ that Sub-Court for a period of six months from 12.6.39 to clear off the arrears in that court. The additional Sub-Judge was continued up to 9.4.41 and in G.O.No.1770 Home dated 7.4.41, the appointment was abolished with effect from 10.4.41. The Dt. Judge, South Kanara now reports that on 15.7.42, there were 672 appeals pending in his court and that the probable pendency at the commencement of the summer recess in 1943 may be 1176. For the reasons given at A on p.3 c.f. he considers that it may not be possible to effect any substantial reduction in the pendency. In the Sub court, ther were 228 appeals pending on 15.7.42 and all of them were over six months old. The probable pendency of appeals in the Sub Court at the beginning of the summer recess in 1942 is likely to be 108 and these, in the opinion of the Dt. Judge, may require at least 8 months for disposal. The District Judge says that the transfer of appeals to the Sub court for disposal may not relieve the congestion unless the ~~xxx~~ appointment of an additional sub judge is sanctioned for at least six months during the year 1943-44.

3. The following statement shows the ~~state~~ State of work in the Sub-Court since 1939:-

8-OCT 1942 HOME DEPARTMENT

Sub court, Mangalore

11 OCT 1942 HOME DEPARTMENT

Year	S.C. Suits			Appeal Suits.		
	Ins.	Dis.	Pen.	Ins	Dis	Pen.
1939 (p.9 c.4)	96	142	140	215	234	129
1940 (p.11 c.4)	87	130	111	178	224	85
1941 (p.13 c.4)	80	103	95	160	195	50
1942 (p.15 c.4 upto 15.7.42)	35	41	89 (34 old)	90	63	77
Full year roughly.	93	109	—	240	168	—
		56 (after full trial)				

Year	Appeal Suits.		
	Ins.	Dis	Pen.
1939	—	264	662
1940	662	263	458
1941	106	244	184
1942 (upto 15.7.42)	—	57	228 (all over 6 months old)
Full year roughly.	—	152	—

It will be seen from the above statement that the probable institutions in 1942 under O.S. and S.C. suits are likely to show an increase over the figures for 1940&1941. As regards disposal, the probable figures under O.S. for 1942 would appear to be more than what they were in 1941. The probable disposals under S.C. and Appeal suits are likely to show a fall. The reason seems to be that the Sub-Judge has also been invested with the powers of an Asst. Sessions Judge and he had to dispose of 12 sessions cases upto 15.7.42. The pendency under S.C. Suits and Appeal Suits on 15.7.42 has increased. On the basis of the standard outturn of 56 O.S. after full trial fixed for the Sub Judge, Mangalore, the pendency of 34 old suits represents more than 7 months' work for a single officer, irrespective of the work in other branches of work.

For orders whether in the circumstances, the recommendation of the Hon'ble the Judges to appoint an additional Sub Judge to the Sub-Court, Mangalore for a period of six months may be accepted.

Finance may see for remarks.

6/10/42

9/10/42

Fin

17041 ASSISTANT SECRETARY TO GOVT. 14 OCT 1942 FINANCE DEPARTMENT, Govt

Finance(E-II)

~~Part II scheme, 1942-43.~~

The Home Department recommend the High Court's proposal to sanction, temporarily for a period of 6 months from the date of re-opening of the courts after summer recess in 1943, the appointment of an additional Sub-Judge to the Sub-Court at Mangalore with the usual staff of 3 clerks and 3 peons. The proposal involves an extra cost of Rs 3,400 as shown below:-

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	Cost for 6 months. Rs
1 Addl. Sub-Judge on Rs 440 p.m.(440 x 6)	2640
3 Clerks on Rs 30 each (30 x 3 x 6)	540
3 Peons on Rs 12 each (12 x 3 x 6)	216
	3396 or
	Rs 3400 roundly.

*On the basis of minimum pay of the scales.

2. The statement on p.2 ante shows the state of work in the Sub-Court at Mangalore since 1939. In view of the pendency this department may agree to the proposal.

Proposals which involve the employment of additional staff costing over Rs 2,500 per annum should ordinarily be brought forward as a Part II scheme. Under para 50(b) of the Madras Budget Manual, however, temporary additions to cadres purely for temporary work, e.g., revision of departmental manuals which is expected to last only for a few months and to cost only a small amount need not be treated as Part II schemes. In this case, the additional staff is required for clearing off the pendency i.e., for a temporary purpose, and it does not appear that it will continue for any considerable period. It would seem that having regard to the provisions of para 50(b) of the Madras Budget Manual, the present proposal need not be treated as a Part II scheme. If this view is agreed to, provision will have to be made in Part I Estimates only.

15.10.42

15.10.42

Ordinarily the schemes like the above are treated as Part II. The High Court wants the scheme to be treated as Part II (Para 2 of letter on p.1 ante). There is no urgency. This is an important case. Should be treated as Part II for 1942-43 itself.

11664
4.10.42

17/10 Home

No:- 99982 EV Home (E) Dept.

Please see the portion marked A on page 2g the U.O. note at (2) and the extract of the fin. dept. note at (x). Submitted for orders whether the case may be treated as a suspended file or whether the file may be proceeded with and considered as a Part II scheme.

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M on p. 3 ante

SG 10.42 CSW 22/10/42

27/10/42 QS

A3

The additional establishment is required to clear off pendency and it is not desirable to allow the arrears to accumulate. The proposal may therefore be considered as Part II Scheme for 1942-43.

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JOINT SECRETARY 30 OCT 1942 HOME DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT 27 OCT 1942 HOME DEPARTMENT

G 24/x/42

A3 27/10/42

UNDER SECRETARY TO GOVT 13 NOV 1942 HOME DEPT.

A. 29.10.42

ASSISTANT SECRETARY TO GOVERNMENT 14 NOV 1942 HOME DEPARTMENT

HOME (E) DEPT.

The part II scheme note submitted below is for approval. Finance may see for adding their portion of the note.

BSS 10.11.42 CSW 11-11-42

11/11/42 QS G 13/11/42

Home n.o 9998E/42-2 16:11:42

Part (E II)

(Previous fin note on file p 3 ante)

The posts will no doubt be sanctioned at the appropriate time scale and the time scale may therefore be mentioned in the summary of costs in the Part II scheme note below.

17 NOV 1942 FINANCE DEPARTMENT, GOVT

20299-ETT

Provision may also be made for the dearness allowance

to clerks and peons. Subject to these remarks, the draft note may be accepted ... the following added as the Dept. note

" The proposal may be considered as a Part II Scheme for 1943-44

13350 E
20.11.42
Fin. no. 20297 E-1
19.11.42

18.11.42

Home (E)

The draft note on the scheme as now amended with reference to Fin. note above. For orders as to issue.

23/11/42

(X) Issue
24
23/11/42

(X) See N7 supra

Home E

A draft order is submitted for approval. It may issue after the budget estimates for 1943-44 are authorised by H.E.

19.2.43. 18.2.43.

Home no. 1118E/43-4
20.2.43

24
19/2/43
J.S
19/2/43

Fin. n.o.

Finance (E II)

The draft order may be accepted. Home will no doubt issue the order after it is definitely known that the budget as authorised by H.E. includes provision on account of this scheme.

20.2.43
20.2.43

Fin no 4468 E-1
22.2.43

2910

6.

Home(E) deptt.

May lie over pending the receipt of intimation * Cl. A – P 5 and 6
from the Fin. deptt regarding authorization of the budget
by His Excellency the Governor."

24.2.43.

25/2/43

The budget has been authorized
by H.E. the Governor. The draft bills
may now issue.

7/4/43.

7.4.43.

[Home Gr. Co. 5579 dtd. 8.4.43]

Part II scheme for 1943-44.

(Subject: Appointment of an additional Subordinate Judge to the Subordinate Judge's Court, Mangalore in the South Kanara district).

—

Summary.

Head of Account. (major or minor heads and sub-heads of appropriation). (1)	Items of expenditure (including detailed heads of account) (2)	Ultimate cost. Recurring. (3) Rs.	Ultimate cost. Non-recurring. (4) Rs.	Cost in 43-44. Recurring. (5) Rs.	Cost in 43-44. Non-recurring. (6) Rs.
27. Administration of Justice - e.B. Mufassal Civil and Sessions Courts - Regular Establishments-	(1) One Sub-Judge on Rs. 440 per mensem.	nil.	2,640	nil.	2,640
1. Pay of officers - Authorised. Temporary Sub-Judge.					
2. Pay of Establishments - Authorised- Temporary.	(2) Three clerks on Rs. 30/- each per mensem.	nil.	540	nil.	540
	(3) Three peons on Rs. 12/- each per mensem.	nil.	216	nil.	216.
3. Allowances - Authorised - Dearness allowance		nil →	162	nil →	162
		3558		3558	
		or 3600 roundly.		or 3600 roundly.	

—

Note by the Administrative Dept.

The Hon. the Judges of the High Court recommend the appointment of an additional Subordinate Judge to the Subordinate Judge's Court, Mangalore in the South Kanara district, with the usual establishment of three clerks and three peons, for a period of six months from the date of opening of the court after the summer recess in 1943.

2. The following statement shows the state of work in the Subordinate Judge's court, Mangalore, since 1939:-

Year.	Original Suits. Ins.	Dis.	Pen.	Small Cause Suits. Ins.	Dis.	Pen.	Appeal Suits. Ins.	Dis.	Pen.
1939	96	142	140	215	234	129	--	264	662
1940	87	130	111	178	224	85	662	263	458
1941	80	103	95	160	195	50	106	244	184
1942 (up to 15.7.42)	35	41	89 (34 old)	90	63	77	--	57	228 (all over six months old?)

The District Judge, South Kanara, has reported that on 15.7.42, there were 672 appeals

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-2-

pending in his court and that the probable pendency at the commencement of the summer recess in 1943 may be 1176. In the Sub-Court, Mangalore, there were 228 appeals pending on 15.7.42 and all of them were over six months old. The District Judge stated that the transfer of appeals from the dist. court to the sub-court for disposal may not relieve the congestion unless the appointment of an additional Subordinate Judge to the Sub-Court is sanctioned for atleast six months. On the basis of the standard out-turn of 56 O.S. after full trial fixed for the Sub-Judge, Mangalore, the pendency of 34 old suits on 15.7.42 represents more than 7 months' work for a single officer, irrespective of the work in other branches of work. In the circumstances, it is proposed to accept the recommendation of the High Court mentioned in para 1 above.

3. The financial effect of the proposal is a non-recurring expenditure of Rs. ~~3,400~~ 3,600/- as shown in the summary at the beginning of this note.

4. This Dept. recommends the inclusion of the necessary provision in the Budget for 1943-44.

11/11/42

11/11/42

11.11.42

Note by the Finance dept.

~~The proposal may be considered as a Part II scheme for 1943-44.~~ The proposal may be considered as a Part II scheme for 1943-44.

R. Ikley

J. P. L. Shenoy
19.11.42

HOME DEPARTMENT.

PART II SCHEME FOR 1943-44.

[SUBJECT.—*Appointment of an Additional Subordinate Judge to the Subordinate Judge's Court, Mangalore, in the South Kanara district.*]

Summary.

Head of account (major or minor heads and sub-heads of appropriation).	Items of expenditure (including detailed heads of account).	Ultimate cost.		Cost in 1943-44.	
		Recurring.	Non-recurring.	Recurring.	Non-recurring.
(1)	(2)	(3)	(4)	(5)	(6)
			RS.		RS.
27. Administration of Justice —e. B Mufassal Civil and Sessions Courts—Regular establishments—					
1. Pay of officers—Authorised—Temporary Sub-Judge.	1. One Sub-Judge on Rs. 440—560 per mensem.	Nil.	2,640	Nil.	2,640
2. Pay of establishments—Authorised—Temporary.	2. Three clerks on Rs. 30—55 each per mensem.	Nil.	540	Nil.	540
3. Allowances—Authorised —Dearness allowance.	3. Three peons on Rs. 12—17 each per mensem.	Nil.	216	Nil.	216
		Nil.	162	Nil.	162
			3,558 or 3,600 roundly.		3,558 or 3,600 roundly.

NOTE BY THE ADMINISTRATIVE DEPARTMENT.

The Hon'ble the Judges of the High Court recommend the appointment of an Additional Subordinate Judge to the Subordinate Judge's Court, Mangalore, in the South Kanara district, with the usual establishment of three clerks and three peons, for a period of six months from the date of reopening of the court after the summer recess in 1943.

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2. The following statement shows the state of work in the Subordinate Judge's Court, Mangalore, since 1939 :—

Year.	Original suits.			Small cause suits.			Appeal suits.		
	Instituted.	Disposed.	Pending.	Instituted.	Disposed.	Pending.	Instituted.	Disposed.	Pending.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1939	96	142	140	215	234	129	..	264	662
1940	87	130	111	178	224	85	662	263	458
1941	80	103	95	160	195	50	106	244	184
1942 (up to 15th July 1942).	35	41	89 (34 old)	90	63	77	..	57	228 (all over six months old).

There has been an increase in the pendency under small cause suits and appeals. The District Judge, South Kanara, has reported that on 15th July 1942, there were 672 appeals pending in his court and that the probable pendency at the commencement of the summer recess in 1943 may be 1,176. In the Sub-Court, Mangalore, there were 228 appeals pending on 15th July 1942 and all of them were over six months old. The District Judge states that the transfer of appeals from the district court to the sub-court for disposal may not relieve the congestion unless the appointment of an Additional Subordinate Judge to the sub-court is sanctioned for at least six months. On the basis of the standard outturn of 56 original suits after full trial fixed for the Sub-Judge, Mangalore, the pendency of 34 old suits on 15th July 1942 represents more than seven months' work for a single officer, irrespective of the work in other branches of work. In the circumstances, it is proposed to accept the recommendation of the High Court mentioned in paragraph 1 above.

3. The financial effect of the proposal is a non-recurring expenditure of Rs. 3,600 as shown in the summary at the beginning of this note.

4. This department recommends the inclusion of the necessary provision in the Budget for 1943–44.

C. T. MUDALIYAR—13-11-42

NOTE BY THE FINANCE DEPARTMENT.

The proposal may be considered as a Part II Scheme for 1943–44.

J. P. L. SHENOY—19-11-42.

Home (E) dept

Please see 'N' on page 18 ante. A draft letter to the High Court is submitted for approval

Verify if the BE has not yet been authorised by HE before the draft is issued

24/3/43

Verified from [illegible] has yet been issued.

23.3.43. 23.3.43.

23.3.43.